

Message Text

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ACTION SCA-01

INFO OCT-01 EA-09 ISO-00 VOE-00 SCSE-00 PPTE-00 JUSE-00
FBIE-00 INSE-00 /011 W
-----261259Z 050923 /53
R 260834Z JAN 77
FM AMEMBASSY MANILA
TO CINCPACREPPHIL
13 AF
INFO SECSTATE WASHDC 5306

UNCLAS MANILA 1294

E.O. 11652: N/A
TAGS: CGEN, CASC, CVIS, CPAS
SUBJ: PARDON PROCLAMATION AND IMPLEMENTING ORDER

FOLLOWING TEL ACTION ALL DIPLOMATIC AND CONSULAR POSTS FROM
WASHDC RECD JAN 26 REPEATED YOUR STA.

QUOTE STATE 016212

INFO CONSULS

E.O. 11652: N/A
TAGS: CGEN, CASC, CVIS, CPAS
SUBJECT: PARDON PROCLAMATION AND IMPLEMENTING ORDER

1. FOLLOWING IS TEXT OF PRESIDENT'S PROCLAMATION AND EXECU-
TIVE ORDER CONCERNING VIOLATIONS OF THE SELECTIVE SERVICE
ACT BETWEEN 8/4/64 AND 3/28/73.

2. PROCLAMATION 4483, 42 F.R. 4391 (JAN. 24, 1977)

"ACTING PURSUANT TO THE GRANT OF AUTHORITY IN ARTICLE II,
SECTION 2, OF THE CONSTITUTION OF THE UNITED STATES, I,
JIMMY CARTER, PRESIDENT OF THE UNITED STATES, DO HEREBY
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GRANT A FULL, COMPLETE AND UNCONDITIONAL PARDON TO: (1)
ALL PERSONS WHO MAY HAVE COMMITTED ANY OFFENSE BETWEEN
AUGUST 4, 1964 AND MARCH 28, 1973 IN VIOLATION OF THE MILI-
TARY SELECTIVE SERVICE ACT OR ANY RULE OR REGULATION
PROMULGATED THEREUNDER: AND (2) ALL PERSONS HERETOFORE
CONVICTED, IRRESPECTIVE OF THE DATE OF CONVICTION, OF ANY
OFFENSE COMMITTED BETWEEN AUGUST 4, 1964 AND MARCH 28, 1973

IN VIOLATION OF THE MILITARY SELECTIVE SERVICE ACT, OR ANY
RULE OR REGULATION PROMULGATED THEREUNDER, RESTORING TO
THEM FULL POLITICAL, CIVIL AND OTHER RIGHTS.

"THIS PARDON DOES NOT APPLY TO THE FOLLOWING WHO ARE
SPECIFICALLY EXCLUDED THEREFROM:

"(1) ALL PERSONS CONVICTED OF OR WHO MAY HAVE COMMITTED
ANY OFFENSE IN VIOLATION OF THE MILITARY SELECTIVE
SERVICE ACT, OR ANY RULE OR REGULATION PROMULGATED THERE-
UNDER, INVOLVING FORCE OR VIOLENCE; AND

"(2) ALL PERSONS CONVICTED OF OR WHO MAY HAVE COMMITTED
ANY OFFENSE IN VIOLATION OF THE MILITARY SELECTIVE
SERVICE ACT, OR ANY RULE OR REGULATION PROMULGATED THERE-
UNDER, IN CONNECTION WITH DUTIES OR RESPONSIBILITIES
ARISING OUT OF EMPLOYMENT AS AGENTS, OFFICERS OR
EMPLOYEES OF THE MILITARY SELECTIVE SERVICE SYSTEM.

" IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 21ST
DAY OF JANUARY, IN THE YEAR OF OUR LORD NINETEEN HUNDRED
AND SEVENTY-SEVEN, AND OF THE INDEPENDENCE OF THE UNITED
STATES OF AMERICAN THE TWO HUNDRED AND FIRST."

3, EXECUTIVE ORDER 11967, 42 F.R. 4393 (JAN. 24, 1977)

"THE FOLLOWING ACTIONS SHALL BE TAKEN TO FACILITATE PRESI-
DENTIAL PROCLAMATION OF PARDON OF JANUARY 21, 1977:

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"1. THE ATTORNEY GENERAL SHALL CAUSE TO BE DISMISSED WITH
PREJUDICE TO THE GOVERNMENT ALL PENDING INDICTMENTS FOR
VIOLATIONS OF THE MILITARY SELECTIVE SERVICE ACT ALLEGED
TO HAVE OCCURRED BETWEEN AUGUST 4, 1964 AND MARCH 28,
1973 WITH THE EXCEPTION OF THE FOLLOWING:

"(A) THOSE CASES ALLEGING ACTS OF FORCE OR VIOLENCE
DEEMED TO BE SO SERIOUS BY THE ATTORNEY GENERAL AS TO
WARRANT CONTINUED PROSECUTION; AND

"(B) THOSE CASES ALLEGING ACTS IN VIOLATION OF THE
MILITARY SELECTIVE SERVICE ACT BY AGENTS, EMPLOYEES OR
OFFICERS OF THE SELECTIVE SERVICE SYSTEM ARISING OUT
OF SUCH EMPLOYMENT.

"2. THE ATTORNEY GENERAL SHALL TERMINATE ALL INVESTIGA-
TIONS NOW PENDING AND SHALL NOT INITIATE FURTHER INVES-
TIGATIONS ALLEGING VIOLATIONS OF THE MILITARY SELECTIVE
SERVICE ACT BETWEEN AUGUST 4, 1964, AND MARCH 28, 1973,

WITH THE EXCEPTION OF THE FOLLOWING:

"(A) THOSE CASES INVOLVING ALLEGATIONS OF FORCE OR VIOLENCE DEEMED TO BE SO SERIOUS BY THE ATTORNEY GENERAL AS TO WARRANT CONTINUED INVESTIGATION, OR POSSIBLE PROSECUTION; AND

"(B) THOSE CASES ALLEGING ACTS IN VIOLATION OF THE MILITARY SELECTIVE SERVICE ACT BY AGENTS, EMPLOYEES OR OFFICERS OF THE SELECTIVE SERVICE SYSTEM ARISING OUT OF SUCH EMPLOYMENT.

" 3. ANY PERSON WHO IS OR MAY BE PRECLUDED FROM RE-ENTERING THE UNITED STATES UNDER 8 U.S.C. 1182(A) (22) OR UNDER ANY OTHER LAW, BY REASON OF HAVING COMMITTED OR APPARENTLY COMMITTED ANY VIOLATION OF THE MILITARY SELECTIVE SERVICE ACT SHALL BE PER-UNCLASSIFIED

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MITTED AS ANY OTHER ALIEN TO REENTER THE UNITED STATES.

"THE ATTORNEY GENERAL IS DIRECTED TO EXERCISE HIS DISCRETION UNDER 8 U.S.C. 1182(D)(5) OR OTHER APPLICABLE LAW TO PERMIT THE REENTRY OF SUCH PERSONS UNDER THE SAME TERMS AND CONDITIONS AS ANY OTHER ALIEN.

"THIS SHALL NOT INCLUDE ANYONE WHO FALLS UNDER THE EXCEPTIONS OF PARAGRAPHS 1 (A) AND (B) AND 2(A) AND (B) ABOVE.

"4. ANY INDIVIDUAL OFFERED CONDITIONAL CLEMENCY OR GRANTED A PARDON OR OTHER CLEMENCY UNDER EXECUTIVE ORDER 11803 OR PRESIDENTIAL PROCLAMATION 4313, DATED SEPTEMBER 16, 1974, SHALL RECEIVE THE FULL MEASURE OF RELIEF AFFORDED BY THIS PROGRAM IF THEY ARE OTHERWISE QUALIFIED UNDER THE TERMS OF THIS EXECUTIVE ORDER.

THE WHITE HOUSE,
JANUARY 21, 1977."

4. PROCLAMATION APPLIES ONLY TO VIOLATIONS OF SELECTIVE SERVICE NOT INVOLVING CRIMES OF VIOLENCE ACT (E.G. FAILURE TO REGISTER, FAILURE TO REPORT CHANGE OF ADDRESS, REPORT FOR PHYSICAL, REPORT FOR INDUCTION ETC); IT DOES NOT EXTEND TO VIOLATIONS OF THE UNIFORM CODE OF MILITARY JUSTICE E.G. TO DESERTION OR OTHER OFFENSES COMMITTED WHILE IN THE ARMED SERVICES AND PUNISHABLE UNDER UCMJ.

5. FURTHER INSTRUCTIONS WILL FOLLOW IF NECESSARY.

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Message Attributes

Automatic Decaptioning: X
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Disposition Approved on Date:
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Review Withdrawn Fields: n/a
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Subject: PARDON PROCLAMATION AND IMPLEMENTING ORDER FOLLOWING TEL ACTION ALL DIPLOMATIC AND CONSULAR POSTS FROM WASHDC RECD JAN 26 REPEATED YOUR STA.
TAGS: CGEN, CASC, CVIS, CPAS
To: CINCPAC
Type: TE
vdkgvkey: odb://SAS/SAS.dbo.SAS_Docs/762a08d1-c288-dd11-92da-001cc4696bcc
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